United Nations

Report of the Committee on Relations with the Host Country

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Supplement No.26 (A/49/26)

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I. INTRODUCTION

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The Assembly, by its resolution 48/35 of 9 December 1993, among other things, requested the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI), and decided to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 48/35.

2. As in previous years, the present report is divided into four sections. Section I contains a brief introduction. The membership, terms of reference and organization of the work of the Committee are discussed in section II. Section III is devoted to a detailed description of topics dealt with by the Committee. The recommendations and conclusions of the Committee are contained in section IV.

II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

3. The period covered by the present report is from 7 December 1993 to 10 November 1994. During the reporting period, there were no changes in the membership of the Committee, which was as follows:

Bulgaria	Iraq
Canada	Mali
China	Russian Federation
Costa Rica	Senegal
Côte d'Ivoire	Spain
Cyprus	United Kingdom of Great Britain and Northern Ireland
France	United States of America
Honduras	

4. Throughout the reporting period, Mr. Alecos Shambos (Cyprus) continued to serve as Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Mrs. Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1982, the Committee adopted the following detailed list of topics:

1. Question of the security of missions and the safety of their personnel.

2. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes;

   (d) Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study on privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the Committee's report to the General Assembly.

6. In March 1994, at its 164th meeting, the Committee decided to drop from the list sub-topic 2 (d) entitled "Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff". The Committee further decided to rationalize its work by concentrating, at any particular meeting, only on those items which were of most concern at that point. In that connection, the Committee decided that delegations should be encouraged to request, through the Secretary or the Chairman of the Committee, the formal inscription, at least 48 hours before each scheduled meeting, of specific items, keeping in mind the above list of topics as amended. Delegations were further encouraged to submit to the Secretary or the Chairman any relevant documentation or written statements in advance of such meeting. It was agreed that upon receipt of specific requests from the members of the Committee or any other delegation, the Secretary, in consultation with the Chairman and members of the Bureau of the Committee, would compile a draft agenda reflecting the specific requests, for approval by the Committee at the beginning of its scheduled meeting. It was understood that any last-minute issue relating to the Committee's work could be raised at any time by any delegation under the agenda item entitled "Other matters".

7. During the period under review, the Committee held six meetings: the 163rd, on 7 December 1993; the 164th, on 24 March 1994; the 165th, on 17 June 1994; the 166th, on 9 September 1994; the 167th, on 24 October 1994; and the 168th, on 10 November 1994.

8. The Bureau of the Committee consists of the Chairman, the Rapporteur, the three Vice-Chairmen and a representative of the host country, who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meetings.

9. The Bureau held two meetings: on 16 December 1993 and 3 June 1994. It discussed, among other matters, issues relating to the organization of the work of the Committee, the problem of financial indebtedness of certain permanent missions to the United Nations and the findings of the Working Group on Indebtedness concerning dental and health insurance proposals for the diplomatic community. The Bureau's proposals and recommendations were transmitted by its Chairman to the plenary of the Committee for its consideration.

10. The Working Group on Indebtedness, whose mandate is to consider all aspects of the problem, held three meetings: on 20 April and 3 and 22 June 1994. After the resignation of Mr. Alfonso Maria Dastis (Spain) as Chairman of the Working Group, the Committee, at its 164th meeting, appointed Mrs. Valentina Tsoneva

(Bulgaria) to head the Working Group. The Working Group was briefed regularly by the host country representatives on the problem of indebtedness. In the context of its efforts to explore the possibilities for the diplomatic community to be provided with more affordable dental and health services, the Working Group visited the New York University Dental School, on 3 May 1994; the United Nations Plaza Dental clinic, on 12 May 1994; and Beth Israel Medical Centre, on 14 June 1994. As a result of these efforts, under the auspices of the Committee and in close cooperation with the host country Mission to the United Nations, an open-ended meeting for the entire diplomatic community with the prospective providers of the dental and health care services was held on 14 September 1994.

11. On 12 September 1994, the Host Country Section of the United States Mission organized an on-site visit for interested delegations to Kennedy International Airport. Delegates met with the representatives of the Port Authority Police, the United States Department of Immigration and Naturalization, on behalf of itself, and the United States Customs Service, the Federal Aviation Agency, and the Department of Agriculture, as well as security services and other competent authorities of the Airport, and also visited several air terminals.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

12. At its 164th meeting, on 24 March 1994, the Committee resumed consideration of matters relating to the security of missions and the safety of their personnel. The observer of Cuba stated that the Permanent Mission of Cuba continued to be subject to active and disruptive demonstrations by certain elements which met in the vicinity of the Mission. Cuba protested that policy since the demonstrators offended the diplomatic personnel of the Mission and their wives and even intimidated their children. The Cuban Mission had complained to the host country Mission but the demonstrations had continued on a weekly basis; on 17 February 1994 there had been another such demonstration facing the main entrance of the Mission. This kind of demonstration affected the security of the Mission as well as that of its personnel and disrupted the normal work of the Mission. The observer of Cuba said that appropriate measures must be taken to ensure that such demonstrations did not reoccur.

13. On 1 September 1994, the Permanent Mission of Cuba addressed to the Chairman of the Committee a note verbale informing him of the latest incidents which had occurred in front of the Cuban Mission and its surroundings and requesting the convening of a meeting of the Committee as soon as possible in order to examine the matter. At the 166th meeting, the observer of Cuba drew the Committee's attention to the extremely serious incidents that had taken place at the entrance to and in the vicinity of the Cuban Mission at midday on 30 August 1994, when a number of persons belonging to the so-called "30th of November" terrorist group, made up of citizens of Cuban origin, had attempted to storm the Mission and, finding themselves unable to do so, had chained and padlocked the Mission entrance, preventing the entry and exit of persons to and from the premises of the Mission. The observer of Cuba said that the police officer on guard at the corner of 38th Street and Lexington Avenue had not taken any action to prevent those developments from taking place. Several diplomatic officials of the Cuban Mission exited through the garage door on 38th Street in order to assess what was happening and were immediately attacked by the demonstrators. At that moment, a number of police officers arrived in the area, cordoned it off, and - what was still more astounding - tried to prevent the Cuban diplomatic officials from defending themselves, even on occasion holding them while they were beaten by the so-called demonstrators. For the most part, the police officers insulted, provoked and even beat the Cuban officials, who not only were defending themselves and the Mission premises, but were also, working with various instruments, trying to cut the chain which was preventing diplomats and visitors from entering and exiting the Mission building. During the incident, four diplomats of the Mission were arrested and detained by the police. Those measures were in flagrant violation of international agreements guaranteeing the security and immunity of diplomatic personnel. The observer of Cuba further described numerous incidents of harassment of personnel outside the Cuban Mission during the months of July and August 1994 and within recent days in September. There had also been bomb threats, vandalism and attempted kidnappings of children and other family members of Cuban diplomatic personnel. The action of the police personnel at the time of the incident on 30 August 1994 had been unacceptable. The four members of the Cuban Mission had been arrested and handcuffed, in flagrant violation of their diplomatic status, and placed in police vehicles and cells, along with those who had harassed them. The presence of a Spanish-language television crew outside the Mission on that day suggested that the action had been planned. That evidence made the acts of the host

country even more culpable, since it had been warned of the impending action. The Cuban Mission had not been informed of what legal action, if any, was contemplated in the case of those who had perpetrated such acts against a permanent mission to the United Nations. Despite numerous meetings with and assurances of protection from the host country, terrorist acts had persisted even during recent bilateral talks between Cuba and the United States on migration issues held at the Cuban Mission. The observer of Cuba also referred to a further incident which had taken place on 5 September 1994, when, after a demonstration, elements of the group remained in the vicinity of the Cuban Mission and not only insulted and threatened Cuban officials as they left the building, but also threw objects at them, including one bottle which landed in the Mission garage, and another which was hurled at the Head of the Cuban Interests Section in Washington, who was entering the Mission premises. A diplomat of the Cuban Mission was also threatened with physical violence. All this had taken place in the presence of officers of the New York City Police Department, who witnessed this aggressive and provocative behaviour and, instead of immediately ordering those persons to disperse, tried to prevent the Cuban officials from leaving the Mission premises, arguing that their safety was at risk. The observer of Cuba insisted on the fact that the organizations that were involved in those actions were terrorist in their origin, their acts and their nature, and should thus be treated as such. There had been a systematic failure of the host country to comply with its obligations to protect Cuban diplomatic personnel. If the host country's claim to protect personnel was credible, it must be translated into concrete action.

14. The representative of the United States said that his Government condemned acts that violated the premises of diplomatic missions or the security of mission personnel. It also condemned violence on the part of foreign diplomats or members of diplomatic missions. He regretted that officials of the Permanent Mission of Cuba had decided to take direct action against demonstrators and United States law enforcement officials, particularly as numerous police officers were already engaged in protecting the Mission as required by his country's international treaty obligations as host country to the United Nations. Reports from the New York City Police Department, corroborated by a videotape of the altercation on the afternoon of 30 August, revealed that the police officer charged with guarding the Mission of Cuba had called for police reinforcements as soon as demonstrators arrived at the Mission's principal entrance. Shortly after the demonstrators blocked the door and additional police units arrived on the scene, employees of the Cuban Mission exited the Mission premises. A completely unnecessary scuffle then ensued between demonstrators, Mission personnel and the police. As a result of that scuffle, 15 uniformed New York City police officers were injured and were removed to local hospitals for treatment. Three demonstrators were arrested; those three individuals had been charged with various offences. The four members of the Cuban Mission who were apprehended during the events of 30 August were quickly released by the New York City Police Department once the authorities of the host country became aware of the situation and verified their diplomatic status. Had those four individuals not enjoyed full diplomatic privileges and immunities, they would have immediately faced serious felony charges, ranging from assaulting police officers to incitement to riot. The United States took its responsibilities for the protection of diplomats and missions seriously, and had provided the Cuban Mission with an unusually high degree of protection over the years. The United States Mission acknowledged that over the years the Cuban Mission had been subjected to a great deal of activity on the part of individuals and groups who disagreed with the policies and politics of the Cuban Government. In the 1970s, there had been active terrorists who had initiated several actual and attempted bombings. The Permanent Mission of Cuba was well

aware of those events and the response of the United States Government. In each and every instance, a complete and thorough investigation had been conducted by New York City and Federal authorities. Where sufficient evidence was available, arrests had taken place and individuals had subsequently been convicted and sentenced to long prison terms. Recent demonstrations were often quite vocal, but they were only demonstrations, not terrorist acts. The United States had a long and proud tradition of guaranteeing the freedoms of speech and assembly, and those demonstrations were examples of those freedoms. The United States Mission itself was regularly subjected to demonstrations as well. The United States would continue to cooperate with the Cuban Mission to ensure its security and the safety of its personnel.

15. The observer of Cuba noted the renewed commitment of the United States. However, to date, practical events and the behaviour of some host country officials had not always corresponded to statements made to the Committee. There seemed to be a difference between the official position and the practice of law enforcement authorities. Regarding the issue of demonstrations in front of the premises of the Cuban Mission, there were various aspects he was wondering about, inter alia, if the demonstrations had any time-limits or if their duration was unlimited, to be left up to the decision of the demonstrators themselves; if the use of loudspeakers and audio equipment was permitted even when they were not necessary for the demonstrators to convey their message to passers-by, or when the use of such equipment might disrupt the activities of persons working or living within the premises of a permanent mission; if the authorities imposed greater restrictions on demonstrations held at other locations - such as schools, places of worship and court-houses - than the restrictions they imposed upon demonstrations held at permanent missions; if there were rules, norms, regulations or laws by which the intent by participants in a demonstration, or in connection with one, to utter offensive remarks directed at persons entering or leaving a permanent mission was considered a violation; or if the act of intimidating, coercing, threatening or harassing, or creating any other form of hindrance to the official of a foreign country in the performance of his duties was likewise considered a violation. Recalling that a Cuban official had been assassinated, the observer of Cuba wondered whether such acts could be avoided. The terrorist organization known as the November 30 movement, which was now acting against the Mission and its staff, had attempted attacks on Cuban commercial vessels and carried firearms. There was a failure to prosecute those who violated international law. The Cuban Mission would continue to cooperate with the host country, but there was a need to adopt measures to prevent incidents such as that which had occurred on 30 August. The police deployed at that time had not acted quickly, energetically or efficiently enough to avoid the serious situation. The host country had the responsibility of ensuring the security and safety of diplomats. The Cuban Mission would act in a sufficiently appropriate manner against any aggression on its premises or on its staff if the host country law enforcement officials were not prepared or were not capable of complying with their international commitments.

16. The representative of Mali said he was not surprised at what had been said by previous speakers, since the Committee had already heard about such problems. The United States should ensure the safety of all diplomatic personnel accredited to the United Nations. The facts were of concern to all nations, even though Cuba had been the nation most exposed to such action. Everyone had seen the situation in front of the Cuban Mission. Since preventive action had not been taken by the United States authorities, the staff of the Mission could hardly have been expected to stand by when such action was taken against them. All Mission personnel must have the right to protect themselves in the light of such action. At the Mission of Mali, personnel had also been subjected to

aggressive action, and staff had been prevented from entering the Mission. The Mission personnel could not be prevented from defending themselves if the police did not arrive to assist them. International agreements signed by the host country prohibited such actions as the arrest of mission personnel. The arrest of Cuban personnel was surprising, given that they were identified as diplomats. It was an anomaly in diplomatic practice and represented a flagrant violation of diplomatic immunity. It was a serious matter and diplomatic personnel, the United Nations and the host country had to ensure that such an incident did not recur.

17. The representative of Costa Rica said that she regretted the acts of violence and harassment committed against the Cuban Mission by persons and organizations which abused the right to demonstrate. The representative of the host country himself had condemned such acts. She welcomed the assurances given by the host country that it was doing its utmost faithfully to fulfil its obligations as host country of the United Nations and to guarantee the security of diplomatic missions and their staff, including the Mission of Cuba.

18. The representative of the Russian Federation informed the Committee that his Mission had been receiving threatening telephone calls. The staff had dialled the "911" emergency number and reported the threats to the police. They had been assured that appropriate measures would be taken. He asked the representative of the host country whether the Mission should contact the host country Mission first or contact the police directly.

19. In reply, the representative of the United States confirmed that "911" was the appropriate number to call in life-threatening situations, with a follow-up call to be made to the United States Mission, which would then check on the matter with the police. If there was a non-emergency police problem, missions should contact the relevant police precinct, but then notify the host country Mission of that contact.

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

1. Host country travel regulations

20. At the 164th meeting, the Chairman informed the Committee of yet another positive measure taken by the host country aimed at removing all restrictions on travel previously imposed on United Nations staff members of Romanian nationality and their dependants. That decision had been announced by the United States Mission in a note verbale addressed to the United Nations dated 10 January 1994. While the Secretariat had welcomed that decision, in its reply of 17 January 1994, it had nevertheless reiterated its well-known position of principle concerning the restrictive and discriminatory treatment of United Nations staff solely on the basis of their nationality. The Chairman also welcomed the decision and expressed the hope that the remaining travel restrictions would be removed as soon as possible.

2. Acceleration of immigration and customs procedures

21. At the 164th meeting, the representative of the Russian Federation recalled that the question of the establishment of special lines for diplomats at the

Delta Air Lines terminal at Kennedy International Airport had been discussed at an informal meeting in 1993 with the representatives of the United States Customs Service for the New York Region and for Kennedy International Airport, who had promised the Committee to consider the request. He wondered whether the host country delegation could inform the Committee as to what results had been achieved in addressing the request.

22. The representative of Senegal recalled that in 1993 the host country representatives had promised to arrange for the members of the Committee to visit Kennedy International Airport to see the facilities in place for diplomats at various terminals. He asked whether the host country representative could clarify the matter.

23. In response, the representative of the United States said that he could not provide a definitive answer at the time. There were some practical difficulties involved in the issues which had been raised. However, a meeting would be held with the Immigration and Naturalization Service on the matter. The matter of an airport visit would be followed up.

24. At the 165th meeting, the representative of the United States informed the Committee that the United States Mission had been in contact with officials of the Port Authority, the Immigration and Naturalization Service and the United States Customs Service regarding a visit to Kennedy International Airport. The authorities at the Airport would welcome such a visit, which could take place at a date to be set in consultation with all concerned.

25. The representative of the Russian Federation reminded the Committee that the Delta Air Lines terminal at Kennedy International Airport was not equipped with a special passage for individuals holding diplomatic passports. Some improvement had been noted in respect of conditions for travelling diplomats at the terminal, which was appreciated, but a passageway for diplomats would simplify matters. With the approach of the forty-ninth session of the General Assembly, when delegations would be coming to New York, the need for such a passageway for diplomats would be heightened. He hoped for a positive solution to the problem.

26. On 12 September 1994, the United States Mission organized a visit to Kennedy International Airport. At the 167th meeting of the Committee, on 24 October 1994, the representative of Cyprus informed the Committee of the substance of the discussions held by interested delegations during the visit to the Airport with the representatives of essential United States services and officials of competent authorities of the Airport. All terminals, including the Delta Air Lines terminal, had installed special passages for "A" and "G" visa-holders, which was especially important in view of the opening of the forty-ninth session of the General Assembly. On behalf of the diplomatic community, the representative expressed his gratitude and appreciation to the competent authorities of the United States, and especially to the Host Country Section of the United States Mission to the United Nations, for their understanding and cooperation in these matters.

3. Entry visas issued by the host country

27. At the 165th meeting, the representative of Mali drew the Committee's attention to the difficulties encountered by nationals of Mali, especially officials posted to Canada who wished to make a few days' visit to relatives stationed in New York, in obtaining a United States visa. United States

nationals did not come up against the same problem when they wanted to go to Mali. The denial of visas showed that there was no reciprocity in the matter between the two countries.

28. At the 166th meeting, the representative of Mali reiterated his concerns that visitors from his country were often prevented from entering the United States because visas had been refused them. He expressed the view that the principle of reciprocity of good understanding made it appropriate to admit visitors, just as his country admitted United States visitors.

29. The representative of the United States responded that the principle of reciprocity was not an appropriate issue, since missions were accredited to the United Nations, and not the United States Government. However, in the spirit of cooperation and as a courtesy to the United Nations community, the representative of the host country indicated that he would look into the matter raised by the representative of Mali. He requested that the representative of Mali contact the United States Mission and provide more specific information regarding his concern.

C. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto

30. At the 164th meeting, the Committee resumed its consideration of problems relating to financial indebtedness. The representative of the United States stated that his country attached great importance to the question of indebtedness and looked forward to the work of the Committee's Working Group on Indebtedness. The newly appointed Chairman of the Working Group, Mrs. Tsoneva, was already familiar with the problem and was qualified to continue the work of her predecessor. The debt problem continued to grow; greater numbers of New York businessmen and landlords were experiencing difficulty with diplomats or missions. The entire United Nations community had begun to suffer. It was therefore in the interest of the Organization and the diplomatic community to work with renewed vigour to address that difficult problem.

31. The representative of Bulgaria, in her capacity as Chairman of the Working Group on Indebtedness, thanked the Committee for the honour of entrusting her with the important responsibilities carried out by the Working Group and expressed enthusiasm in seeking solutions to those problems.

32. The observer for Switzerland said that the problem of financial indebtedness of diplomatic personnel was increasing and should be dealt with with great vigour. In Geneva, the problem had developed to such a degree that it had harmed the image of diplomatic personnel and of the United Nations itself. He appealed to the newly appointed Legal Counsel, Mr. Corell, to assist in addressing the problem.

33. The representative of the United States observed that the question of indebtedness was of great concern to many of the United Nations missions. One essential component of the problem, particularly as concerned individual diplomats, lay in the costs associated with health and dental care. The Working Group on Indebtedness should look into the question of acquiring health and dental insurance, in an effort to address that problem.

34. The representative of the Russian Federation shared the view that the Working Group on Indebtedness should look into the question of health insurance for diplomats. Debts should be paid. He asked whether there was a body in Geneva equivalent to the Committee on Relations with the Host Country. Each duty station had specific problems, which were best resolved locally, within the framework of United Nations bodies. If such bodies did not exist in those countries, perhaps they should be created.

35. Responding to the previous speaker, the observer for Switzerland said that there was such a contact body in Geneva which, however, was less formal than the present Committee. The idea of establishing a more formal body was being considered. However, a global approach was needed. The Secretariat in New York had an important responsibility in such matters.

36. The Legal Counsel said that during the two and a half weeks that he had been in his post he had already been confronted with a case in which the question of indebtedness had arisen. As an intergovernmental organization, the United Nations could not address the matter as might be done in the case of diplomats assigned to a particular capital. In some cases the problem arose because a diplomat was not living up to his obligations. In other cases, there were no funds coming from their capitals for the diplomats concerned. He also informed the Committee that, in Bangkok, there was a very informal working group dealing with similar questions in the context of the Economic and Social Commission for Asia and the Pacific (ESCAP).

37. The representative of the Russian Federation observed that the Committee might recommend that the United Nations study the possibility of establishing informal bodies, in various countries where it had offices, which would handle problems similar to those tackled by the Committee. Referring to an unwillingness to rent apartments to diplomats, he mentioned that the Committee, as well as the Mayor's department dealing with the diplomatic corps, could help both missions and individual diplomats in addressing the problem.

38. The Chairman of the Committee suggested that the Working Group on Indebtedness look into the proposal made by the representative of the United States and report to the Committee in due course.

39. At the 165th meeting, the representative of the United States stressed that the problem of indebtedness was becoming worse. As of 1 June 1994, missions had failed to address more than $4 million in past-due obligations, and individuals owed more than $1 million. Of the total $5.3 million owed by the diplomatic community, 41 per cent was owed to banks and other financial institutions. As a result of the poor payment record of some members of the United Nations diplomatic community, one prominent bank had decided against making any further loans to missions or diplomats. Another 37 per cent of the debt was owed to landlords. Some missions had not paid rent for two years or more, and a number of residential landlords had either lost their property or were at risk of losing it because diplomatic tenants, who could not be evicted, would neither pay their rent nor leave the property. As a consequence, it was becoming more difficult for diplomats to obtain private leases in New York. The problem gave the entire diplomatic community a bad name, prompting countermeasures from landlords and creditors that affected everyone. He hoped that by working together an acceptable solution could be found, one that would be coordinated with cities such as Geneva and Vienna which hosted United Nations offices.

D. Transportation: use of motor vehicles, parking and related matters

40. At the 163rd meeting, convened on 7 December 1993, at the request of the Russian Federation and France, the Committee focused its deliberations on press reports about a new parking programme for the diplomatic community.

41. The representative of the United States pointed out that the news media had portrayed proposed changes in traffic enforcement in New York as a fait accompli. The United States Government, while noting that there were proposals for change, had not agreed to any changes. Any substantive discussion of the proposal was premature. The United States Government's policy was that diplomats and their families were expected to obey the law, which included abiding by traffic and parking rules and regulations. It must be noted that the United States Government insisted that its own diplomats, wherever posted, pay fines as part of observing local traffic and parking regulations. New York City had formally transmitted to the Department of State proposals designed to mitigate traffic and parking problems in the diplomatic community. The City had asked for a response and a response would be made after a thorough review by the Department of State and consultations with the Committee. The proposals were designed to address the needs of diplomats and the needs of the community in which the diplomats lived and worked. The City had indicated a willingness to attempt to accommodate requests made by diplomatic representatives. In return, the City was asking that the diplomatic community abide by traffic and parking rules affecting all residents.

42. The representative of France said that his country had requested the convening of the Committee meeting following the article in The New York Times of 1 December 1993 concerning the non-payment of parking tickets by diplomats in New York City. In a spirit of friendliness, France had wanted to question the host country about the content of the article. The hosting of the United Nations presupposed the agreement of local authorities to remove inconveniences to visiting diplomats. The United States Mission had done work in the past to ease tensions. Thus, the recent article was an unpleasant surprise. The manner in which the problem was being approached lacked the courtesy of past interactions. He asked for clarification of the legal measures that might be taken if vehicle fines were not paid. The newspaper article mentioned the possibility of not renewing diplomatic licence plates for cars if the situation continued. He noted that diplomats were obliged to observe the local laws and that issuing licence plates was a courtesy, but the legal issue was somewhat complicated. He said he would prefer a formal disclosure of the legal implications of such a programme before determining whether it would be acceptable to his country.

43. The representative of the Russian Federation said that recently the United States mass media had presented information related to a programme being addressed by the United States Department of State on the use of motor vehicles. In a recent article in The New York Times, it had been stated that the State Department was considering not renewing parking privileges to violators of parking regulations. The issue would have a direct impact on representatives of the Russian Federation, owing to the distance of the location of the Russian Mission from Headquarters. The parking space allotted to the Mission of the Russian Federation was only enough to accommodate the permanent representatives. The Russian Federation had frequently requested an increase in parking spaces, but to no avail. If the United States needed to address problems in New York City, it could consult with other capitals that had addressed similar issues related to other international organizations. He requested that the statement

made by the United States representative be brought to the attention of Member States in written form. Until now, in New York City, there had been a favourable atmosphere for diplomats and he hoped that atmosphere would continue. If, however, the situation moved in the other direction, further action would have to be considered within the United Nations context, as well as external measures to correct the situation.

44. The representative of Costa Rica, addressing the Committee also in her capacity of Rapporteur, said that the meeting was being held because of alarming news that had appeared in the press. In an article in The New York Times of 1 December 1993, a source had stated that driving and parking were a privilege, not a right, and that there were strong legal grounds for imposing parking regulations on diplomats. She was not surprised by the note sent by the New York City Commissioner for the United Nations, Consular Corps and International Business, which expressed concern about the effect the article would have. Diplomats were entitled to privileges and immunities. The situation of diplomats who were not permanent representatives was particularly difficult. Cars could not enter the Headquarters district through the First Avenue entrance. Parking spaces that could be utilized were denied to mission personnel who were not permanent representatives. She shared the comments made by the representatives of France and the Russian Federation regarding assistance on the matter from the host country.

45. In response, the representative of the United States observed that it was important to underscore that the United States Government was not responsible for newspaper articles. There was no way of limiting press expression and local officials were granted wide latitude in administering their duties. The United States Government, therefore, had difficulty in controlling all such matters. However, the Government would continue to cooperate in providing a hospitable atmosphere for diplomats. The measures in question were only proposals from New York City, which had not yet been implemented. The United States Department of State would review them, in consultation with the members of the Committee. As of 1 January 1994, there would be a new administration in New York City. Cooperation with it would be important, as the measures would not be enforced until the new administration was in place. The Committee was assured that negotiations with the City were under way, with specific mention of the parking issue.

46. The representative of the United Kingdom of Great Britain and Northern Ireland said that parking was a very serious problem in crowded cities like New York. Strict measures were sometimes needed to regulate parking. Diplomats must respect such regulations or risk damaging the reputation of the international community. Diplomats should respect regulations and pay fines, which was the policy of the United Kingdom.

47. The representative of Spain welcomed the suggestions made by the host country to address the issue. He also recognized an obligation for diplomats to abide by the law, including traffic and parking laws. However, they must also be able to carry out their functions satisfactorily. That was why they were given privileges and immunities, such as special licence plates. However, driving a car was not a privilege. Rather, it was a necessity for conducting diplomatic business. Any measure taken to remedy the problem of traffic and parking, including those that could affect courtesies extended to diplomats, must respect the need to facilitate the work of missions accredited to the United Nations.

48. The representatives of Bulgaria, China, Cyprus and Mali and the observers for Cuba, El Salvador and Ukraine shared the concerns expressed by the previous speakers. The availability of parking for diplomats in New York City was an important problem. The police should consider taking more efficient enforcement measures against vehicles occupying diplomatic parking spaces. Diplomats often felt hostility on the part of the traffic authorities. The host country should provide amenities and facilities to allow diplomats to carry out their functions in New York City satisfactorily. Proposals to change the parking regulations for the diplomatic community should be considered thoroughly and brought before the Committee in due course.

49. The New York City Commissioner for the United Nations, Consular Corps and International Business said that she appreciated the valid concerns expressed by previous speakers. She emphasized that the Mayor of New York City was deeply disturbed by the inaccurate media coverage about a proposal that was still under consideration. She had sent a letter to the Chairman of the Committee noting her concern about the article on the City's "crack-down" on parking violations. She regretted the harsh tone of the article, which sent the false message that the City did not appreciate the diplomatic community. The current Mayor of the City and the Mayor-elect valued the United Nations community greatly. New York City had been making daily efforts to improve the situation for diplomats in New York. The New York City Commission for the United Nations had intended to present all specific details under consideration, including increased enforcement and benefits to the diplomatic community, at a meeting of the Committee in early 1994. Benefits under consideration included: additional diplomatic parking spaces; quicker installation of new parking signs; quicker ticketing and towing of non-diplomatic cars parked in diplomatic spaces; and quicker adjudication of tickets issued to diplomats, which included processing through the mail. Any diplomat could call the Commission and request an updated list of any pending parking violations. The Commission would send out letters informing the missions of any outstanding violations. She apologized for the most unfortunate attack by the media on the diplomatic community and looked forward to an ongoing dialogue with the diplomatic community to meet its needs and those of the people of New York.

50. The observer for Switzerland said that the host country had an interest in addressing the non-payment of parking violations. However, the concerns expressed by delegations regarding the lack of adequate parking space in New York City were also understandable. The situation of the United Nations in Geneva was different, since the United Nations Office there was not in the centre of the city. In Geneva, the Mission of Switzerland to the United Nations maintained a list of fines. If fines rose above a certain limit, a meeting with the head of the mission concerned was convened to address the issue. That was the limit of enforcement. The New York City authorities had the right to implement the enforcement measures that were compatible with international norms codified in such instruments as the Vienna Convention on Diplomatic Relations of 18 April 1961. 1/ However, guaranteed freedom for diplomats included having a car. He noted with concern that the City was considering drawing a distinction between diplomatic and consular licence plates.

51. At the 164th meeting, the representative of the United States reassured the Committee that the host country would consult with it again before taking action on issues related to diplomatic parking or before announcing any new programme to be established in New York City. He also informed the Committee that the new administration of Mayor Giuliani was reviewing the issue and would soon make recommendations. The programme, once implemented, would be consistent with the obligations of the host country.

52. The representatives of Costa Rica, France and the Russian Federation recalled the concerns expressed by various delegations at a previous meeting and hoped to have an opportunity to meet with the Mayor or other representatives of the City administration who were familiar with the situation.

53. The representative of the United States stated that if delegations had concerns, they should submit them in writing to his Mission, as a first step. The United States Mission would consider the appropriate forum for responding to such queries. The Mayor of New York City, however, could be invited to address the Committee, in due course. He also stated that the City could not be held in violation of the Headquarters Agreement, which contained obligations for the Federal Government. While local representatives would be welcome to address the Committee, it rested with the Federal Government to bring a programme to the Committee.

54. The Chairman observed that if the Committee wished at some point to invite the Mayor or the Commissioner, it could do so through the host country Mission.

55. At the 165th meeting, the representative of the Russian Federation said that the cars belonging to his Mission were being fined systematically because the windshields lacked inspection stickers. Although the United States Mission had stated that the inspection stickers were not needed, the police and the traffic officers evidently did not know that, and they constantly wrote tickets and issued fines. The Russian Federation could put inspection stickers on its windshields, but it did not want to receive tickets and fines because of a misunderstanding. He furthermore expressed concern about repeated thefts of the Mission's cars. He hoped the United States Mission and the police would take the appropriate action.

56. The representative of Mali observed that police officers allowed motorists to park in spaces reserved for diplomatic cars, even though those spaces were clearly identified. As a result, the cars belonging to his Mission were parked elsewhere and immediately received tickets, but such was not the case with private cars parked illegally in front of the Mission. He appealed to the New York authorities to look into the matter in depth. He also drew the Committee's attention to the increased frequency of theft and destruction of cars belonging to his Mission and expressed the hope that the competent authorities of the host country would take the appropriate action in that respect.

57. The representative of the host country observed that most New Yorkers lived with the fact that they had to take certain precautions. Perhaps resentment arose because residents of New York saw diplomats parking illegally without any accountability. He was very interested in receiving information on any particular incident of vandalism. The Mayor was very concerned about diplomats and the diplomatic community, and the problems cited were being examined with a view to creating more parking spaces and more diplomatic parking zones. Responding to the representative of the Russian Federation, he said that diplomatic cars with federal licence plates did not have to be inspected by the State of New York. However, those diplomatic plates issued by New York State did require inspection stickers.

58. The representative of Senegal said that a sign outside his Mission designated the area for diplomatic parking, but other cars constantly used that space. The Mission's cars were therefore parked elsewhere and received tickets. He asked the host country to examine the problem and come up with a solution.

59. The observer of Cuba said that his Mission had endured the same problems as those described by previous speakers. In particular, there was very little parking space assigned to the Cuban Mission and therefore problems ensued.

60. The Chairman said that the problem of parking was a very serious one. At a recent meeting with the Mayor, he had raised the acute problem of parking. He hoped the matter would be tackled in the near future.

61. At the 166th meeting, the representative of Mali once again expressed concern about the parking situation outside the Mission and asked the host country authorities in particular not to levy fines but to remove other vehicles from the space reserved for the Mission.

62. In response, the representative of the United States stated that when such parking problems occurred, missions should call the United States Mission, which would ask the police to tow the violating vehicles away.

E. Rationalization of the work of the Committee

63. At the 164th meeting, the Chairman recalled that on 5 November 1993 he had circulated a letter to all the members of the Committee enclosing a "non-paper" containing the recommendations of the Bureau aimed at rationalizing the agenda of the Committee. The delegations of Cyprus, the Russian Federation, Spain, the United Kingdom and the United States had informed the Chairman of their readiness to adhere to the recommendations.

64. By those recommendations, the Committee would concentrate, at any particular meeting, only on those issues which were of most concern at that point. Delegations would be encouraged to request the inscription of specific items to be raised at a particular meeting at least 48 hours in advance of that meeting. In addition to giving delegations an opportunity to formulate their views on the issue in advance of the meeting, it would allow the host country to research the issue in advance, so that it could be more responsive to the needs and suggestions relating to the difficulties raised. Delegations would also be encouraged to submit relevant documentation or written statements in advance of such meetings. Nevertheless, it was understood that any last-minute issue relating to the Committee's work could be raised at any time by any delegation, under the agenda item entitled "Other matters".

65. The representatives of France and the Russian Federation confirmed that they supported those recommendations.

66. The observer of Cuba expressed concern that the consultations would be limited to the States members of the Committee and wondered to what extent other Member States could know of the consultation process in order to have their concerns included. He also asked whether Member States could participate in the process before the Committee made decisions or recommendations.

67. The Chairman, responding to the questions posed by the previous speaker, said that the consultative process was intended to improve the work of the Committee. However, any delegation could raise questions and all States members of the Committee or any delegation could request that an item be inscribed on the agenda.

68. The Legal Counsel stated that the rules of procedure of the General Assembly would be applicable and any delegation could add to the agenda. The consultations were just a means to improve the work of the Committee.

69. The Committee adopted the recommendations referred to above.

F. Dental and health insurance services for the United Nations diplomatic community

70. At the 165th meeting, the Chairman of the Working Group on Indebtedness, Mrs. Tsoneva (Bulgaria), informed the Committee that in April-June 1994 the Working Group had been exploring the possibilities for the United Nations diplomatic community to be provided with more affordable dental and health services. The dental plans offered by the New York University Dental School and the United Nations Plaza dental clinic had been explored. The Working Group had also met with the representatives of the Beth Israel Medical Centre, which had expressed interest in making its facilities available to the diplomatic community through the Preferred Provider network of the Centre and its affiliated physicians. The substance of the proposals received by the Working Group was summarized in a non-paper distributed to the members of the Committee.

71. The Committee asked the Chairman to circulate the non-paper to all permanent missions accredited to the United Nations and decided to convene an informal open-ended meeting with the prospective providers, in due course, in cooperation with the host country Mission.

72. The open-ended meeting was held on 14 September 1994. At the 167th meeting of the Committee, on 24 October 1994, the Chairman briefed the Committee on the substance of the deliberations at the meeting. Interested delegations had had an opportunity to meet with and hear the presentations of the proposals by the representatives of New York University Dental School, Beth Israel Medical Centre, United Nations Plaza Dental P.C. and Health Care Liaison. All of those representatives had introduced their proposals in detail with the assistance of charts and visual and printed materials. She also reminded the Committee that delegations had been advised to decide on their own which of the proposals were most suitable for them, either individually or for their mission staff in general. Those interested should contact the prospective providers directly. On behalf of the Working Group on Indebtedness, she thanked the Host Country Section of the United States Mission for its most valuable contribution to, and assistance in, organizing the open-ended meeting.

IV. RECOMMENDATIONS AND CONCLUSIONS

73. At its 168th meeting, on 10 November 1994, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country for this purpose and is assured

that all problems raised at its meetings will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee expresses the hope that remaining travel restrictions will be removed by the host country as soon as possible. In that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(e) The Committee stresses the importance and urgency of the efforts of its Working Group concerning financial indebtedness, an issue which has harmed the image of the United Nations and its members in New York, and has impaired the ability of some missions and individual diplomats to obtain services and suitable accommodation. The Committee notes that this issue has also arisen in other host cities to the United Nations, and therefore may require a response that is system-wide. The Committee reminds all permanent missions, their personnel, and Secretariat personnel of their responsibilities to meet their financial obligations, and takes note of the concerns expressed by the host country and others regarding this fast-growing problem. The Committee requests the Chairman and the representative of the host country to meet with the Secretary-General of the United Nations to discuss the question of financial indebtedness and recommends that the Secretary-General prepare a report on the problem in general in time for review by the Committee during the resumed forty-ninth session of the General Assembly, setting forth recommendations which the Organization might consider to address this issue. It also recommends that the Working Group continue its own efforts, in cooperation with all interested parties, to develop solutions to the problem;

(f) The Committee wishes to reiterate its appreciation to the Host Country Section of the United States Mission to the United Nations, the New York City Commission for the United Nations, Consular Corps and International Business and those bodies, particularly the New York City Police Department, which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Notes

1/ United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

ANNEX

List of documents

A/49/377- S/1994/1047	Letter dated 11 September 1994 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General
A/49/548- S/1994/1184	Letter dated 14 October 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General
A/AC.154/274	Letter dated 7 November 1994 from the Representative of the United States on the Economic and Social Council, and Representative of the United States on the Committee on Relations with the Host Country, addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/275	Letter dated 9 November 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General of the United Nations
A/AC.154/276	Letter dated 9 November 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General of the United Nations